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Attorneys for Movant,
CAB WEST LLC

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

In re	Case No. 20-50182
PIERCE CONTRACTORS, INC.,	Chapter 11
	RS No: RPM-82
<hr/> CAB WEST LLC,	 MOTION FOR RELIEF FROM THE AUTOMATIC STAY
	 Date: April 16, 2021 Time: 10:00 a.m. Ctrm: 11
vs.	
PIERCE CONTRACTORS, INC.,	
	Respondents.

Pre-petition Lessor CAB WEST LLC ("Movant") moves this Court for Relief from the Automatic Stay based upon the following:

1. Movant is admitted to do business in the State of California, and is engaged, among other things, in the leasing of motor vehicles by retail lessees under motor vehicle leases.

2. Debtor PIERCE CONTRACTORS, INC. ("Debtor") is the pre-petition lessee of a 2018 Ford Fusion, VIN: 3FA6P0SU6JR161806 (the "Vehicle") under the terms of a pre-petition Motor Vehicle Lease Agreement with Movant (the "Lease"). A true and correct copy of the Lease is attached as Exhibit "A" to the List of Exhibits. (Declaration of Jacklyn Larson filed herewith.)

3. Movant is, and has been at all times relevant hereto, the legal and co-registered owner of the Vehicle. Evidence of Movant's perfected interest in the Vehicle is attached as Exhibit "B" to

1 the List of Exhibits. (Declaration of Jacklyn Larson filed herewith.)

2 4. The Lease matured on February 16, 2021 and the Debtor remains in possession of the
3 Vehicle.

4 5. The current buyout with respect to the Lease is in the amount of \$12,888.15. The
5 average auction value of the Vehicle is \$14,750.00. A true and correct copy of the NADA page
6 reflecting a value of the Vehicle of \$14,750.00 is attached as Exhibit "C" to the List of Exhibits.
7 (Declaration of Jacklyn Larson filed herewith.)

8 6. Movant would exercise its rights and remedies under state law but for the automatic
9 stay issued by this Court on the filing of the petition herein.

10 WHEREFORE, Movant prays for an order:

11 1. Terminating the automatic stay as to Movant, its successors and assigns;
12 2. Allowing Movant to proceed under applicable non-bankruptcy law to enforce its remedies
13 to dispose of the Vehicle;
14 3. That the 14-day stay prescribed by Bankruptcy Rule 4001(a)(3) be waived;
15 4. That the Order granting relief be binding and effective despite any conversion of this
16 bankruptcy case to a case under any other chapter; and
17 5. For such other and further relief as the court deems just and proper.

18 DATED: March 19, 2021

19 COOKSEY, TOOLEN, GAGE, DUFFY & WOOG

20 By: _____

21 RANDALL P. MROCZYNSKI
22 Attorneys for Movant
CAB WEST LLC